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EXAMINER
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IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2617

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12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/690,213	<b>Applicant(s)</b> MAMDANI ET AL.	
	<b>Examiner</b> Khawar Iqbal	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-45, 47-49 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-45, 47-49 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5-25, 30, 34-44, 48-49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (20030105641) in view of Hymel et al (WO 00/03328).

3. Regarding claim 1 Lewis teaches a method for facilitating a wireless transaction, the wireless transaction involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action involving personal bodily entry into or through a physical structure using a wireless communication device (cell phone 112,182), comprising (figs. 5 and 7):

at a first time, receiving a wireless transaction request from a transaction requester seeking, at second time, personal bodily entry into or through a the physical structure using a the wireless communications device (cell phone 112,182), the wireless transaction request initiating the purchase action with respect to the product or service over a wireless communication link (186) (a computer system (18) provides a screen (display) to a cell phone (112,182), when it accesses the system over Internet (using cellular service 186). The screen has information relating to the selection of an event,

purchasing of an electronic ticket fig.4 include barcode 42 for the event, payment for the electronic ticket) (para. # 0027);

in response to the wireless transaction request and an approval of the purchase action with respect to the product or service, receiving over the wireless communication link, by a the wireless communication device, a first transaction code representative capable for authorizing the fulfillment action at a point of fulfillment (generating the ticket to gain entrance at the event, an UPC (barcode 42) displayed on a display associated with the device 182. The validation system (24) validates the electronic ticket include barcode 42 (22) to allow entrance into the event) (para. # 0027, 0030-0031);

displaying the first transaction code on a visual display of the wireless communication device (presenting an UPC code on a screen associated with the cell phone 112, also see fig. 4, element 42) (para. # 0027); and

at the second time and at the point of fulfillment, the first transaction code from the wireless communication device permitting to permit the personal bodily entry into or through the physical structure to complete the wireless transaction (para. # 0027, 0030-0031, figs. 5 and 7). Lewis does not specifically teach optically scanning the first transaction code from the wireless communication device.

In an analogous art, Hymel et al teaches optically scanning the first transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner se step 182, fig. 9, page 9, line 32-page 10, line 3, page 11, lines 14-20). Hymel et al teaches user information is stored in the selective call receiver.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Regarding claim 30 Lewis teaches a system for facilitating a wireless transaction, the wireless transaction involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action involving personal bodily entry into or through a physical structure using a wireless communication device, comprising (figs. 4-5 and 7):

- a wireless communication device capable of (cell phone 112,182):

- receiving a transaction code capable of being displayed on the wireless communication device and authorizing the fulfillment action at a point of fulfillment (presenting an UPC code on a screen associated with the cell phone 112, also see fig. 4) (para. # 0027.0030); and

- displaying the transaction code on a visual display of the wireless communication device (para. # 0027.0030); and

- a transaction apparatus capable of:

- receiving, over a wireless communication link, a wireless transaction request to from a transaction requester seeking personal bodily entry into or through the physical structure using the wireless communication device (para. # 0027.0030-0031);

verifying an identity of the transaction requester (para. # 0027.0030-0031);  
approving the purchase action with respect to the product or service (para. # 0027.0030-0031);  
communicating a transaction code to the wireless communication device and  
the transaction code from the visual display of the wireless communication device personal bodily entry into or through a physical structure at the point of fulfillment to complete the wireless transaction (para. # 0027,0030-0031). Lewis does not specifically teach optically scanning the transaction code from the visual display of the wireless communication device.

In an analogous art, Hymel et al teaches optically scanning the transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner see step 182, fig. 9, page 9, line 32-page 10, line 3, page 11, lines 14-20). Hymel et al teaches user information is stored in the selective call receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Regarding claim 48 Lewis teaches method for facilitating a wireless transaction, the wireless transaction involving a transaction request and an authorization with

respect to a product or service, and a fulfillment event associated with the transaction request and authorization, the fulfillment event occurring at a point of fulfillment using a wireless communication device, and wherein the fulfillment event is conditioned upon the transaction request and authorization, comprising (figs. 4-5 and 7):

receiving, at a transaction apparatus and over a wireless communication link, a wireless the transaction request for a user selected wireless transaction;  
in response to the received user selected transaction request, determining whether the authorization has been obtained (para. # 0027, 0030-0031);

if the authorization has been obtained, communicating an transaction code from the transaction apparatus to a wireless communication device, the transaction code being capable from the wireless communication device and verified for authorizing the fulfillment event at the point of fulfillment to complete the wireless transaction (para. # 0027, 0030-0031). Lewis does not specifically teach optically scannable transaction code being capable of being scanned from the wireless communication device.

In an analogous art, Hymel et al teaches optically scannable transaction code being capable of being scanned from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner se step 182, fig. 9, page 9, line 32-page 10, line 3, page 11, lines 14-20). Hymel et al teaches user information is stored in the selective call receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the transaction code from the wireless

communication device it for the purpose of increasing the efficiency of communication system, providing demographic information and to redeem code for users of selective call receiver as taught by Hymel et al.

Regarding claim 2 Hymel et al teaches wherein receiving the first transaction code includes receiving a first optically scannable transaction code (page 4, lines 5-15, page 6, lines 11-15, fig.2, see claim 1).

Regarding claims 3,49 Hymel et al teaches wherein receiving the first optically scannable transaction code includes receiving a first transaction barcode (page 4, lines 3-15, page 6, lines 11-15 fig.2, 3, see claim 1).

Regarding claims 5, 51 Hymel et al teaches communicating the first transaction code from a transaction apparatus to the wireless communication device (page 4 lines 3-5, see claim 1).

Regarding claims 6-8 Hymel et al teaches wherein communicating the first transaction code includes communicating the first transaction code directly from the transaction apparatus to the wireless communication device (page 6, lines 11-36).

Regarding claim 9 Hymel et al teaches further comprising: verifying the first transaction code in response to scanning the transaction code (page 10, lines 1-20).

Regarding claim 10 Hymel et al teaches wherein verifying the first transaction code includes communicating a decoded representation of the first transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 10, lines 16-25).



Regarding claim 11 Hymel et al teaches receiving, by the wireless communication device, a second transaction code after verifying the first transaction code (page 7, lines 7-32, page 8, line 26, page 9, line 10).

Regarding claim 12 Hymel et al teaches wherein receiving the second transaction code includes receiving a second optically scannable transaction code (page 8, line 26, page 9, line 10 page 7, lines 7-32).

Regarding claim 13 Hymel et al teaches wherein receiving the second optically scannable transaction code includes receiving a second transaction barcode (page 7, lines 7-32, page 8, line 26, page 9, line 10).

Regarding claim 14 Hymel et al teaches communicating the second transaction code from a transaction apparatus to the wireless communication device (page 8, line 26, page 9, line 10, page 7, lines 7-32).

Regarding claim 15 Hymel et al teaches communicating the second transaction code includes communicating the second transaction code directly from the transaction apparatus to the wireless device (page 8, line 26, page 9, line 10, and page 7, lines 7-32)

Regarding claim 16 Hymel et al teaches wherein communicating the second transaction code directly from the transaction apparatus includes communicating the second transaction code from a radio transceiver of the transaction apparatus to a radio transceiver of the wireless communication device (page 7, lines 7-32, page 8, line 26, page 8, line 10).

Regarding claim 17 Hymel et al teaches wherein communicating the second transaction code from the radio transceiver of the transaction apparatus includes communicating the second transaction code from a transaction fulfillment system of the transaction apparatus (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 18 Hymel et al teaches, further comprising: optically scanning the second transaction code from the visual display of the wireless communication device; verifying the second transaction code; and receiving, by the wireless communication device, a transaction fulfillment message (page 8, line 26, page 8, line 10, page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 19 Hymel et al teaches further comprising: communicating the transaction fulfillment message from a transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 20 Hymel et al teaches where communicating the transaction fulfillment message includes communicating the transaction fulfillment message directly from the transaction apparatus to the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 21 Hymel et al teaches wherein communicating the transaction fulfillment message directly from the transaction apparatus includes communicating the transaction fulfillment message from a radio transceiver of the transaction apparatus to a radio transceiver of the wireless communication device (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 22 Hymel et al teaches wherein communicating the transaction fulfillment message from the radio transceiver of the transaction apparatus includes communicating the transaction fulfillment message from a transaction fulfillment system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32).

Regarding claim 23 Hymel et al teaches wherein verifying the second transaction code includes communicating a decoded representation of the second transaction code from a transaction fulfillment system of a transaction apparatus to a transaction management system of the transaction apparatus (page 12, lines 1-12 page 7, lines 7-32).

Regarding claims 24,25 Hymel et al teaches receiving, at a transaction apparatus, a transaction request from a transaction requester; verifying an identity of the transaction requester, and communicating the first transaction code from the transaction apparatus to the wireless communication device after verifying the identity of the transaction requester and wherein receiving the transaction request includes receiving the transaction request from the wireless communication device of the transaction requester (page 7, line 30-page 8, line 9, page 10, lines 5-13 and 20-25).

Regarding claims 34-39 Hymel et al teaches wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device (fig. 7, 10), wherein the transaction apparatus is coupled to a telecommunication network system for enabling communication with the wireless communication device and wherein the transaction apparatus is coupled to the

telecommunication network through a computer network system (page 6, lines 23-36, page 12, line 33-page 13, line 5, page 13 lines 29-37, page 14, line 3-37, see claim 1).

Regarding claims 40-44 Hymel et al teaches wherein the transaction apparatus includes a code scanning device for optically scanning the transaction code, wherein the code scanning device includes a bar code reader and wherein the transaction apparatus and the wireless communication device each include a radio transceiver for enabling, communication directly between the wireless communication device and the transaction apparatus (page 9 line 32-page 10, line 25, see above).

4. Claims 26-29,31-33 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (20030105641) and further in view of Hymel et al (WO 00/03328) and Ulvinen et al (6393305).

Regarding claims 26-29,31-33 and 45 Lewis teaches a method for facilitating a wireless transaction, the wireless transaction involving a purchase action with respect to a product or service, and a fulfillment action associated with the purchase action, the fulfillment action involving personal bodily entry into or through a physical structure using a wireless communication device, comprising (figs. 4-5 and 7):

communicating, over a wireless communication link, a wireless transaction request from the wireless communication device to a transaction apparatus on behalf of a transaction requester seeking personal bodily entry into or through a the physical structure using a the wireless communication device (para. # 0027, 0030-0031, figs. 5 and 7);

thereafter, approving the purchase action with respect to the product or service;

receiving, by the wireless communication device over the wireless communication link, a transaction code after authenticating the authentication code, and approving the purchase action with respect to the product or service, the transaction code capable of being displayed on the wireless communication device and for authorizing the fulfillment action at a point of fulfillment (para. # 0027, 0030-0031, figs. 5 and 7);

displaying the transaction code on a visual display of the wireless communication device (para. # 0027, 0030-0031, figs. 5 and 7); and

at the point of fulfillment, the transaction code from the visual display of the wireless communication device to permit personal bodily entry into or through a physical structure to complete the wireless transaction (para. # 0027, 0030-0031, figs. 4-5 and 7). Lewis does not specifically teach optically scanning the transaction code from the wireless communication device.

In an analogous art, Hymel et al teaches optically scanning the transaction code from the wireless communication device (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner see step 182, fig. 9, page 9, line 32-page 10, line 3, page 11, lines 14-20). Hymel et al teaches user information is stored in the selective call receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic

information and to redeem code for users of selective call receiver as taught by Hymel et al. Lewis and Hymel et al. does not specifically teach communicating a spoken authentication code from the wireless communication device to the transaction apparatus; authenticating the spoken authentication code.

In an analogous art, Ulvinen et al teaches communicating a spoken authentication code from the wireless communication device to the transaction apparatus; authenticating the spoken authentication code (col.4, lines 31-67, col.5, lines 1-28, fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel by specifically adding authenticating the spoken authentication code it for the purpose of increasing the efficiency of communication system to provides an improved biometric system in particular a voice actuating recognition system that relies on a set of words or images as taught by Ulvinen et al.

5. Claim 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (20030105641) and further in view of Hymel et al (WO 00/03328) and Whitworth (20010034717).

Regarding claim 47 Lewis teaches a method for facilitating a wireless transaction, the wireless transaction involving a transaction request and an authorization with respect to a product or service, and a given action associated with the transaction request and authorization, the given action involving personal bodily access into a physical location using a wireless communication device, and wherein the given

action is conditioned upon the transaction request and authorization, comprising (figs. 4-5 and 7):

at a first time, receiving the transaction request from a transaction requester using a wireless communications device (para. # 0027, 0030);

receiving, by said wireless communication device, a first transaction code in response to said the authorization of the transaction request, the first transaction code being a code capable of being output from the wireless communication device and authorizing the given action at a point of fulfillment (para. # 0027, 0030-0031); and

at the point of fulfillment, and a second time distinct from the first time, optically scanning the first transaction code from the wireless communication device to permit personal bodily entry into the physical location to complete the wireless transaction (para. # 0027, 0030-0031, figs. 4-5 and 7). Lewis does not specifically teach optically scanned for authorizing the given action at a point of fulfillment.

In an analogous art, Hymel et al teaches optically scanned for authorizing the given action at a point of fulfillment (displaying stored user information on the SCR10 in bar code format such that the stored user information can be read at the point-of-sale by scanner se step 182, fig. 9, page 9, line 32-page 10, line 3, page 11, lines 14-20).

Hymel et al teaches user information is stored in the selective call receiver. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis by specifically adding optically scanning the first transaction code from the wireless communication device it for the purpose of increasing the efficiency of communication system, providing demographic information

and to redeem code for users of selective call receiver as taught by Hymel et al. Lewis and Hymel et al do not specifically teach code being a two dimensional code.

In an analogous art, Whitworth teaches code being a two dimensional code (para. # 0228). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Lewis and Hymel et al by specifically adding code being a two dimensional code it for the purpose of increasing the enhances security of communication system, providing two dimensional code and to displaying for users of selective receiver as taught by Hymel et al.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-3, 5-45, 47-49 and 51 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE ENG can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal

  
GEORGE ENG  
SUPERVISORY PATENT EXAMINER